

From: Andy Murren
To: Microsoft ATR
Date: 1/23/02 7:28am
Subject: Microsoft Settlement

To: Renata B. Hesse
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Having reviewed the proposed settlement I feel that it is seriously flawed. Having been a programmer and a systems administrator for several years I have seen Microsoft force companies out of business or to drop business lines due to their practices. I feel that the proposed settlement does not fully address these practices and prevent Microsoft from continuing them.

Specifically there are three area that need to be rigorously addressed.

1. All APIs must be fully documented and published for use without restriction, by anyone include competitors. The definition of an API must be very broadly stated. They should be published before the product is released for public beta testing, or 120 days prior to sale of the product, which ever is earlier. Also, all changes must be published in a timely manner when updates, patches and revisions are released.
2. All file formats must be fully documented and published for use without restriction, by anyone include competitors. The time frames should be the same as above.
3. Licensing and sales incentive practices of Microsoft are anticompetitive and need to be changed. Microsoft should be brought into line with industry standard practices and not allowed to use its market share and power to cripple competition and drain money from consumers and companies.

These terms should remain in effect until Microsoft has less than 49% of market share.

So long as Microsoft can prevent competition by using its dominate market position it will continue to harm the American economy. By not allowing competitors (both commercial and Open Source) to write compatible software, Microsoft will remain a monopoly. This proposed settlement does not address the short or long term changes needed to end the Microsoft Monopoly.

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